

**WAUKESHA COUNTY
MINUTES OF THE PARK AND PLANNING COMMISSION
NAGA-WAUKEE GOLF COURSE
THURSDAY, DECEMBER 11, 2008, 10:00 A.M.**

CALL TO ORDER

Pat Haukohl, Chairperson, called the meeting to order at 10:00 a.m.

Commission

Members Present:	Pat Haukohl	Jim Siepmann	Bob Peregrine	Gary Goodchild
	Walter Kolb	Bonnie Morris	Bill Mitchell	

Commission

Members Absent: None

Staff

Members Present: Richard L. Mace, Planning and Zoning Division Manager
Kathy Brady, Secretary Supervisor

Guests Present:	Todd Oilschlager	Tom Paprocki	Lee Becher
	Paul Wolfgram	Jeff Schlueter	Ron Olson
	Tom Martin	Hike Herro	

MINUTES:

Mr. Peregrine referred to the October 16, 2008, Minutes, specifically rezone SZT-1664A, Hope Evangelical Lutheran Church in the Town of Summit. He expressed concerns regarding the condition requiring the petitioners to provide a Letter of Credit to the Planning and Zoning Division. He asked if a cash deposit as evidenced by a savings account or Certificate of Deposit (CD) in the name of the church could be substituted at the petitioner's request, rather than a Letter of Credit? Mr. Mace replied that he felt it was a reasonable request and the Commission agreed.

- *Mrs. Morris moved, seconded by Mr. Mitchell, and carried unanimously for approval of the October 16, 2008, Minutes.*
- *Mr. Peregrine moved, seconded by Mr. Mitchell, and carried unanimously for approval of the November 6, 2008, Minutes.*

PUBLIC COMMENT

Chairperson Haukohl asked if anyone from the audience wished to address the Commission? There being none, she moved to the next item on the agenda.

- **10:05 a.m. Discuss Organization of the Waukesha County Development Plan Public Hearing to be held on December 11, 2008, at 7:00 p.m., Waukesha County Exposition Center**

Mr. Mace identified the arrangements for the public hearing. The Open House will begin at 5:00 p.m. and last until approximately 6:45 p.m. Staff from Waukesha County will be available to assist the public with questions regarding the elements of the Plan. The public hearing is scheduled to begin at 7:00 p.m. Since the Park and Planning Commission is the designated Zoning Agency and is in charge of creating the Development Plan under the Statutes, he asked the Commission to decide who will chair the public hearing, how the public will address the Commission and if there will be a time limit (normally three minutes) for public comment. Only comments and requests should be made regarding the content of the plan and any

requested amendments. It would be appropriate for the Commission to ask for clarification of statements made at the public hearing but not to voice opinions. The Commission's concerns, opinions or comments on issues concerning the Plan should be presented when the Commission meets in January to vote on the Plan and amendments.

• **10:15 a.m. SCS-1080 (Steven and Pamela Grant) Town of Merton, Section 4**

Mr. Mace presented the "Staff Memorandum" dated December 11, 2008, and made a part of these Minutes. He pointed out the location of the property at N95 W31301 County Line Road, Hartland, WI in the Town of Merton on the aerial photograph, and stated the petitioner is requesting approval for the creation of two lots without direct access to a public road.

Mr. Mace indicated the Grant property is located near the Waukesha/Washington County line containing approximately 45 acres, is heavily wooded and contains wetlands. The petitioner's residence is located south of the Little Oconomowoc River which runs diagonally across the property. The request is to create two parcels, one to the south and one to the west of the petitioner's residence, each parcel will be approximately 15 acres in size. Access to the two additional parcels will be via the existing driveway due to wetland conditions on the property. The existing driveway will need to be increased to 16' due to the Ordinance requirements and for emergency vehicles to access.

Mr. Goodchild asked if the property meets the existing zoning to create the lots and do the building sites meet the requirements for the slopes on the property? Mr. Mace replied, "Yes." Mr. Goodchild suggested the petitioner discuss how the utilities for electric/gas will be supplied and if any easements need to be set up before dividing and selling the parcels.

After discussion, Mrs. Morris moved, seconded by Mr. Siepmann, and carried unanimously for approval, as conditioned, in accordance with the "Staff Memorandum". The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

• **10:25 a.m. Discuss Renewal of WPRA Membership for Commission**

The Commission decided not to renew their membership.

• **CU-1056B (Highview Evangelical Presbyterian Church) Town of Genesee, Section 30**

Mr. Mace presented the "Staff Report and Recommendation" dated December 11, 2008, and made a part of these Minutes. He pointed out the location of the property at S50 W33042 Road GE in the Town of Genesee on the aerial photograph, and stated the petitioner is requesting Conditional Use approval for after-the-fact land altering activities for the construction of a berm.

Mr. Schlueter (church member) said the berm was built to block the headlights from vehicles coming and going to the church from the adjacent neighbors. He said the Town of Genesee approved the request. There were questions as to runoff issues to which Mr. Schlueter indicated there are none.

After a brief discussion, Mr. Mitchell moved, seconded by Mr. Peregrine, and carried unanimously for approval, as conditioned, in accordance with the "Staff Report and Recommendation". The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

• **CU-1498 (Genesee Apostolic Tabernacle Church) Town of Genesee, Section 21**

Mr. Mace presented the “Staff Report and Recommendation” dated December 11, 2008, and made a part of these Minutes. He pointed out the location of the property at W313 S4212 S.T.H. 83 in the Town of Genesee on the aerial photograph, and stated the petitioner is requesting Conditional Use approval to remodel and restore the existing church which has operated for many years as a legal nonconforming use.

Mr. Mace indicated the church was struck by lightning and was significantly damaged by fire. The church plans to reconstruct the building. Mrs. Morris said in the “Staff Analysis” of the “Staff Report and Recommendation” it states a Storm Water Permit is not required, however, Condition No. 11 of the Town conditions state that a Storm Water Management Plan must be reviewed and approved by Waukesha County. Mr. Mace said because the disturbance is under 3,000 sq. ft., the County’s Storm Water Ordinance does not require a permit. Chairperson Haukohl asked (referring to Condition No. 12) why a kitchen is needed if food will not be cooked or prepared on the premises? Mr. Wolfgram, architect, replied it will be utilized as a warming kitchen for bringing in catered food.

After discussion, Mr. Mitchell moved, seconded by Mrs. Morris, and carried unanimously for approval, as conditioned, in accordance with the “Staff Report and Recommendation”.

There was discussion of extending the hours of operation beyond 9:00 p.m. as stated in Condition No. 11. Mr. Mace indicated the Town did not set any specific hours of operation and if the petitioner wanted to extend the hours of operation from 8:00 a.m. to 11:00 p.m., the Staff would agree to that time.

After further discussion, Mrs. Morris moved, seconded by Mr. Peregrine for approval, as conditioned, with a revision to Condition No. 11 which will now read:

11. The hours of operation are limited to 8:00 a.m. to 11:00 p.m., seven days a week.

The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

• **PO-08-GNT-18 (Genesee Apostolic Tabernacle Church) Town of Genesee, Section 21**

Mr. Mace presented the “Staff Report and Recommendation” dated December 11, 2008, and made a part of these Minutes. He indicated the matter is related to the previous Conditional Use request CU-1498, above.

After a brief discussion, Mr. Siepmann moved, seconded by Mr. Kolb, and carried unanimously for approval, as conditioned, in accordance with the “Staff Report and Recommendation”, with a revision to Condition No. 11 which will now read:

11. The hours of operation are limited to 8:00 a.m. to 11:00 p.m., seven days a week.

The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

• **CU-1501 (Ron Olson/Patricia Nolan) Town of Genesee, Sections 27 and 34**

Mr. Mace presented the “Staff Report and Recommendation” dated December 11, 2008, and made a part of these Minutes. He pointed out the location of the property at W302 S5348 S.T.H. 83 in the Town of Genesee on the aerial photograph, and stated the petitioner is requesting Conditional Use approval for a horse boarding and training operation and indoor storage.

Chairperson Haukohl asked the size of the property, to which Mr. Mace replied approximately 15 acres. Chairperson Haukohl asked why the Town approved the Conditional Use and not the Plan of Operation? Mr. Mace said he was unsure why. Mr. Olson petitioner, explained that they did not know a Plan of Operation was necessary. He indicated that he had submitted the proper signage, lighting plans and layout of the property and the Town will hear the Plan of Operation request at their meeting of January 28, 2009. Mr. Mitchell cautioned the petitioner that the Town has not acted on the Plan of Operation and if there are significant changes made by the Town the matter may need to come back to the Park and Planning Commission.

After discussion, Mr. Kolb moved, seconded by Mr. Siepmann, and carried unanimously for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

- **PO-08-GNT-20 (Ron Olson/Patricia Nolan) Town of Genesee, Sections 27 and 34**

Mr. Mace presented the “Staff Report and Recommendation” dated December 11, 2008, and made a part of these Minutes. He indicated the matter is related to the previous Conditional Use request CU-1501, above.

After a brief discussion, Mr. Goodchild moved, seconded by Mr. Mitchell, and carried unanimously for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

- **SCU-1499 (Think Pawsitive, LLC) Town of Oconomowoc, Section 30**

Mr. Mace presented the “Staff Report and Recommendation” dated December 11, 2008, and made a part of these Minutes. He pointed out the location of the property at N58 W39835 Industrial Road in the Town of Oconomowoc on the aerial photograph and stated the petitioner is requesting approval for an Unspecified Conditional Use Permit for a Doggy Day Care.

Chairperson Haukohl questioned why the request is for a doggy day care when in fact the Staff Recommendation states the business will be for dog training and grooming services, the sale of related retail items and special seminars? Mr. Mace replied, that was the petitioner’s request and he cannot change what was requested. Mr. Peregrine pointed out the Town of Oconomowoc’s recommendation states it is not a doggy day care.

Mr. Herro from Oconomowoc Realty, representing the owner of the property, clarified the proposal came up because the petitioner’s business did not fit anywhere into the zoning. The business will involve dog training, therapy and rehabilitation. Chairperson Haukohl suggested the wording be changed on Page 6 of the Staff Report and Recommendation from “The approval of this request, with the recommended conditions, will allow the petitioners to operate a doggy day care as defined by the Commission on June 26, 2008” to “The approval of this request, with the recommended conditions, will allow the petitioners to operate a canine training facility as defined in the conditions above.” The Commission agreed and Mr. Mace noted the change would be made. Mrs. Morris asked if the training will be held inside the premises, to which Mr. Oilschlager, petitioner, replied, “Yes.”

After discussion, Mr. Siepmann moved, seconded by Mrs. Morris, and carried unanimously for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

- **PO-08-OCOT-09 (Think Pawsitive, LLC) Town of Oconomowoc, Section 30**

Mr. Mace presented the “Staff Report and Recommendation” dated December 11, 2008, and made a part of these Minutes. He indicated the matter is related to the previous Conditional Use request SCU-1499, above.

After a brief discussion, Mr. Peregrine moved, seconded by Mr. Mitchell, and carried unanimously for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

- **(Bauer's Lane) Town of Oconomowoc, Section 26**

Mr. Mace presented the “Staff Memorandum” dated December 11, 2008, and made a part of these Minutes. He pointed out the location of the property in the Town of Oconomowoc on the aerial photograph and stated the Town of Oconomowoc Board is requesting a waiver to reduce portions of the established road right-of-way width of Bauer's Lane from 66' to 30'.

Mr. Mace pointed out the Town of Oconomowoc felt that the existing 30' of platted right-of-way would be adequate for future street improvements, etc. and would also allow non-conforming structures to be improved without first obtaining Variances.

After a brief discussion, Mr. Mitchell moved, seconded by Mr. Siepmann, and carried unanimously for approval, in accordance with the “Staff Memorandum”. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

ADJOURNMENT

With no further business to come before the Commission, Mr. Peregrine moved, seconded by Mr. Goodchild to adjourn at 11:30 a.m.

Respectfully submitted,

Bonnie Morris
Secretary

BM:kab